

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
SHREVEPORT DIVISION

MAGNOLIA ISLAND PLANTATION, L.L.C. and BARBARA MARIE CAREY LOLLAR	§	CIVIL ACTION NO: 5:18-cv-01526
	§	
Plaintiffs	§	
	§	
VS.	§	DISTRICT JUDGE MAURICE HICKS
	§	
LUCKY FAMILY, L.L.C., W.A. LUCKY, III, And BOSSIER PARISH SHERIFF JULIAN C. WHITTINGTON, in his official capacity	§	
	§	
HAYES	§	MAGISTRATE JUDGE KAREN
Defendants	§	

AFFIDAVIT OF JAMES SOUTHERLAND

STATE OF LOUISIANA

PARISH OF BOSSIER

BEFORE ME, the undersigned Notary Public, personally appeared JAMES SOUTHERLAND who, after first being duly sworn, did depose and state as follows:

1.

This affidavit is based on my personal knowledge.

2.

I have been employed by Julian C. Whittington, Sheriff of Bossier Parish, (hereinafter "the Sheriff") , since he first took office as Sheriff of Bossier Parish, Louisiana, to provide legal advice which includes assisting his office in performing sheriff's sales.

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3.

Prior to this, I was employed and held the same position and provided the same advice for Larry C. Deen, Sherriff from around 1998. Prior to that time I was on retainer for Sheriff Deen and Sherriff Vol Dooley and provided legal services and opinions for those previous Sheriffs of Bossier Parish which covered a period from the late 1970's or early 1980's.

4.

In this position, I visit the Sheriff's office civil department almost every day and I am available by phone every working day for questions.

5.

During the year of 2018 I was made aware that the Sheriff's office was gong to seize a promissory note. After the note was brought in to the Sheriff's office, I spoke from time to time with Jean Horne and Kim Flournoy, both employees of the Sheriff, regarding the seizure and sale of a Promissory Note.

6.

This seizure was unusual in that it was the first time that I can remember, at this point in time, the Sheriff's office handling the seizure and sale of a Note during my entire 40 plus years of working in this position for the sheriffs of Bossier Parish.

7.

I spoke with Kim Flournoy and Jean Horne, who both worked in the civil department of the Sheriff's office handling sheriff's sales, regarding the fact that it might be necessary to get a third appraiser who would be able to perform an

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appraisal of the promissory note because I felt it would be likely the Sheriff's office would be required to appoint a third appraiser.

8.

After my conversation with Kim Flournoy and Jean Horne, I contacted a business acquaintance in the community, John Batson, president of the First National Bank of Benton, to discuss what expertise would be required for an appraiser to be qualified to appraise a promissory note and to obtain a recommendation for an appraiser who would have these qualifications.

9.

John Batson stated that he believed an accountant with specialized qualifications would be the appropriate professional to appraise the Note. During our discussion we concluded that neither he nor I knew of anyone who would be qualified to perform an appraisal of the promissory note.

10.

I then spoke with either Kim or Jean and advised one of them that I was unable to provide a reference of someone to appraise the promissory note should the need arise for the Sheriff to appoint a third appraiser.

11.

In discussing other people who may know of a qualified appraiser who could provide a third appraisal of the promissory note one of us mentioned Curtis Shelton. I knew Curtis Shelton to be an experienced business attorney. As I recall, Ms. Flournoy at some point in time got in touch with Curtis Shelton to seek recommendations of qualified appraisers who the Sheriff could get in touch with to see if they could appraise the note that was seized should it be necessary.

12.

I had no problem with Mr. Shelton being asked for information on appraisers who could appraise the note because I knew him to be an experienced attorney and felt he probably knew two or three individuals that could make a valid independent appraisal of the note. Later on I was told by either Kim or Jean that the office had a name of an appraiser and was following up on that name and getting an appraisal .

13.

I am attorney and have been licensed to practice in the State of Louisiana since 1970.

A handwritten signature in cursive script, appearing to read "James Sutherland", written over a horizontal line.

JAMES SOUTHERLAND

DONE AND SIGNED on this 3rd day of February, 2020.

A handwritten signature in cursive script, appearing to read "Patsy H. McGuire", followed by the number "#51749", written over a horizontal line.
NOTARY PUBLIC

Patsy H. McGuire
Notary Public #51749
Bossier Parish, Louisiana
MY COMMISSION IS FOR LIFE